IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

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MONDAY, THE TWENTIETH DAY OF MARCH

TWO THOUSAND AND SIX

P R E S E N T

THE HON'BLE SRI JUSTICE V.ESWARAIAH

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WP.No.4846 OF 2006

Between:

M.Hymavathi … Petitioner

Versus

The Secretary,

Revenue (UC-II) Department,

Govt.of Andhra Pradesh,

Secretariat,

Hyderabad & Anr. … Respondents

Counsel for the Petitioner: Sri V.Tulasi Reddy

Counsel for the Respondents: GP for Revenue

Mr.N.Raja Reddy

SC for MPL Visakhapatnam

O R D E R :

The case of the petitioner is that she filed a declaration under section 9 (1) of the Urban Land (Ceiling & Regulation) Act, 1976 in CC.No. F2/5979/76 in respect of the property held by her bearing no.6-1-1 to 6-1-4, Walker Town, Padmaraonagar, Zamistanpur, Secunderabad. The said property is also owned and possessed by five persons including the petitioner.

It is stated that the total extent of the entire premises is 5,728-32 sq.mts. It is further stated that one of the co-owner, D.Visweshwar Rao held 173-21 sq.mts., excess vacant land in the very same premises and on his application the Government granted exempted vide orders under GO.Ms.NO.1403, (UC.II) Department, dated 04-10-1982 granting exemption of 173-21 sq.mts., for the vacant land held by the declarant in exercise of the powers conferred under section 20 (1) (b) of the Act.

It is stated that the petitioner also entitled for the similar exemption as the petitioner is in excess of 145-66 sq.mts in respect of the same premises and accordingly the

petitioner filed application dated 30-1-1992, which was filed on 06-2-1992 respectively before the Government and also obtained acknowledgement. It is stated that the said application was not considered and disposed of and without considering and disposing of the said applications the respondents are threatening to dispossess the petitioner.

It is further stated that under section 10 (5) of the Act notice was issued in Proceedings No.F1/5979/76, dated -1-2006 and the same was served on the petitioner, directing the petitioner to surrender the said land to the concerned Deputy Tahsildar. Now the petitioner questions the said action of the Government in not considering the said representation.

Having regard to the facts and circumstances, as the petitioner filed an application for granting exemption in the prescribed form along with application dated 30-1-1992 filed before the second respondent on 06-2-1992, the petitioner is directed to file another application by enclosing requisite form within one week from the date of receipt of a copy of this order and on receipt of such application, the second respondent is directed to consider and dispose of the application of the petitioner, keeping in view of the orders of the Government in G.O.Ms.No.1403, Revenue (UC.II) Department, dated 04-10-1982, which was granted to one of the co-owner of the petitioner in respect of the same property in question and pass appropriate order within eight weeks from the date of receipt of the application of the petitioner and till such time, the petitioner shall not be dispossessed from the land in question.

With the above direction, the writ petition is disposed of at the admission stage. No costs.

MARCH 20th, 2006. ----------

I s L. V. ESWARAIAH , J.